

New Sentencing Options in the War on Impaired Driving

Repeat offenders are a continuing traffic safety problem.

The increasing problem of jail overcrowding has created the need to develop alternative punishment programs. The “lock-em up and throw the key away” approach no longer works.

The National Highway Traffic Safety Administration (NHTSA) has examined several alternative programs for repeat impaired driving offenders: an intensive supervision probation program, an electronic monitoring program, and Breath Alcohol Ignition Interlock Devices (BAIIDs).

Intensive Supervision Probation

This program, in Milwaukee Wisconsin, is a pre-trial intervention program. By participating in the program offenders are offered, but not guaranteed, the hope of a reduced jail sentence. The program focuses on the individual's drinking habits and drinking problems. It provides frequent, regular monitoring with individual assessments of needs and referral to the appropriate treatment providers. Most offenders contact their monitor twice a week, but requirements vary. Research indicates that the recidivism rate of program participants was about half that of a comparison group.



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Electronic Monitoring Program

In Los Angeles, California, eligible offenders are sentenced to home confinement, enforced by electronic monitoring devices, in lieu of active jail sentences. This method allows offenders to leave home for work or school. Offenders are contacted, at random, several times per day to verify their presence at home. Some offenders are required to provide breath samples to verify that they have not been drinking. Recidivism of program participants was about one-third less than a control group of offenders.

Ignition Interlock Program

Breath Alcohol Ignition Interlock Devices (sometimes called BAIIDs) are instruments designed to prevent drivers from starting their car when their breath alcohol concentration (BrAC) is at or above an alcohol setpoint (usually 0.025 BAC). In 1992, NHTSA developed model specifications for these devices, and most states with interlock programs will only certify devices that meet the NHTSA requirements. Thirty-seven states have passed some sort of legislation authorizing use of these devices with offenders. Five different device manufacturers are marketing their equipment in states where programs have been started. In some jurisdictions, drivers convicted of DWI may be required to use these devices when their licenses are reinstated after a period of hard suspension. In other cases, interlocks are sometimes being added as a condition of probation by the courts.

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